TABLE OF CONTENTS

Page(s) TABLE OF CONTENTS......i TABLE OF AUTHORITIES.....ii-v MEMORANDUM OF POINTS AND AUTHORITIES......1-24 I. FACTS......1-4 CALIFORNIA'S ANTI-SLAPP STATUTE, CAL. CIV. CODE 11. §425.16 DOES NOT APPLY TO THE WITHIN ACTION. 4-12 Ш THIS COURT HAS SUBJECT MATTER JURISDICTION and PLAINTFFS HAVE PLEAD CAUSES WHICH RELIEF CAN BE GRANTED......12-22 Taitz and DOFF's Fed. R. Civ. P. 12(b)(1) Claims.......12-17 A. В. Taitz and DOFF's Fed. R. Civ. P. 12(b)(6) Claims..........17-22 IV. TAITZ AND DOFF EXHIBITS VIOLATE THE FED. R. EVID. 801(c), 805 AND ARE INADMISSABLE PER FED. R. EVID. 802; and CONTAIN UNAUTHENTICATED DOCUMENTS IN VIOLATION OF FED. R. EVID. 901, V. CONCLUSION......24

TABLE OF AUTHORITIES

<u>Page(s)</u>
<u>Aguilar v. Avis Rent A Car System, Inc.</u> , (1999) 21 Cal. 4th 121 [87 Cal.Rptr.2d 132; 980 P.2d 846]
<u>Ashcroft v. Iqbal</u> , 129 S. Ct. 1937, 173 L. Ed. 2d 868 (2009)
<u>Bell Atlantic Corp. v. Twombly</u> , 550 U.S. 544, 127 S. Ct. 1955, 167 L. Ed. 2d 929 (2007)
Beauharnais v. Illinois, 343 U.S. 250, 72 S. Ct. 725, 96 L. Ed. 919 (1952)8
<i>Brown v. Kelly Broadcasting Co.</i> , (1989) 48 Cal.3d 711, 7469
Bourjaily v. U.S., 483 U.S. 171, 107 S. Ct. 2775, 97 L. Ed. 2d 144 (1987)22
Castaneda v. United States, 546 F.3d 682, 684 n. 1 (9th Cir.2008)12
<u>Colwell v. Dep't of Health and Human Servs.</u> , 558 F.3d 1112, 1121 (9th Cir. 2009)
<u>Doe v. See</u> , 557 F.3d 1066, 1073 (9th Cir. 2009)
<u>Dunn & Bradstreet, Inc. v. Greenmoss Builders</u> , (1985) 472 U.S. 749, 7628
<i>Episcopal Church Cases</i> , (2009) 45 Cal.4th 467, 477 [87 Cal. Rptr. 3d 275, 198 P.3d 66]
Evans v. Unkow, (1995) 38 Cal. App. 4th 1490 [45 Cal.Rptr.2d 624]7
<i>Fisher v. Larsen</i> , (1982) 138 Cal. App. 3d 627, 640 [188 Cal. Rptr. 216]7
<i>Flatley v. Mauro</i> , (2006) 39 Cal.4th 299, 3138
<i>Jenkins v. McKeithen</i> , 395 U.S. 411, 89 S.Ct. 1843, 23 L.Ed.2d 404 (1969)17
<u>Linder v. Thrifty Oil Co.</u> , (2000) 23 Cal.4th 429, 438, [97 Cal. Rptr. 2d 179, 2 P.3d 27]

TABLE OF AUTHORITIES - Continued

<u>Page(s)</u>
<u>Lucas v. Dep't of Corr.</u> , 66 F.3d 245, 248 (9th Cir.1995)
<u>Mendiondo v. Centinela Hosp. Med. Ctr</u> ., 521 F.3d 1097 (9th Cir. 2008)17
<u>Navellier v. Sletten</u> (2002) 29 Cal.4th 82, 89 [124 Cal. Rptr. 2d 530, 52 P.3d 703]
<u>New York Times v. Sullivan</u> , 376 U.S. 254 (1964) 84 S. Ct. 710, 11 L. Ed. 2d 686.
Orr v. Bank of Am, NT & SA, 285 F.3d 764, 773 (9th Cir. 2002)23
Peregrine Funding, Inc. v. Sheppard Mullin Richter & Hampton LLP, (2005) 133 Cal.App.4th 658, 675 [35 Cal. Rptr. 3d 31]
<u>Rancho La Costa, Inc. v. Superior Court</u> , (1980) 106 Cal. App. 3d 646, 667 [165 Cal. Rptr. 347]
<u>Reader's Digest Assn. v. Superior Court</u> , (1984) 37 Cal.3d 244, 258, [208 Cal. Rptr. 137, 690 P.2d 610]
<u>St. Clair v. City of Chico</u> , 880 F.2d 199, 201 (9th Cir. 1989)13
<u>Varian Medical Systems, Inc. v. Delfino</u> (2005) 35 Cal.4th 180, 192 [25 Cal. Rptr. 3d 298, 106 P.3d 958]
Witriol v. LexisNexis Group, (N.D.Cal., Feb. 10, 2006,No. C05-02392) 2006 U.S.Dist. Lexis 26670.
World Financial Group, Inc. v. HBW Ins. & Financial Services, Inc., (2009) 172 Cal.App.4th 1561, 1570 [92 Cal. Rptr. 3d 227]

TABLE OF AUTHORITIES - Continued

U.S. CONSTITUTION	<u>Page(s)</u>
First Amendment.	
Fourteenth Amendment.	18
CALIFORNIA CONSTITUTION	Page(s)
Article. I, § 2, subd. (a)	9
STATE STATUTES	Page(s)
California Civil Code §425.16.	4
California Civil Code §1798.53.	19
California Civil Code §1798.81.	18
California Civil Code §1798.81.5(c)	18
California Civil Code §1798.84	19
FEDERAL RULES OF CIVIL PROCEDURE	Page(s)
Federal Rules of Civil Procedure 8	19
Federal Rules of Civil Procedure 12(b)(1)	2, 3, 12
Federal Rules of Civil Procedure 12(b)(2)	2, 3, 17

TABLE OF AUTHORITIES - Continued

FEDERAL RULES OF EVIDENCE	Page(s)
Federal Rules of Evidence 801(c).	22
Federal Rules of Evidence 802.	22, 24
Federal Rules of Evidence 805	22
Federal Rules of Evidence 901	22, 23
Federal Rules of Evidence 902	22, 23
Federal Rules of Evidence 1005	22, 23